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9751.1 CPO (Revalidated) Maintaining Discipline

GENERAL SERVICES ADMINISTRATION
Washington, DC 20405

CPO 9751.1 Reval
May 20, 2003; Revalidated August 22

GSA ORDER

SUBJECT: Maintaining Discipline

1. Purpose. This order moves the GSA policy on maintaining discipline from Chapter 3, Part 8, of OAD P 5410.1 GSA Administrative Manual.
2. Nature of revision. This order makes no changes to GSA policy on maintaining discipline. The only changes are editorial.
3. Principles. The maintenance of good group discipline in GSA and the handling of disciplinary actions, when required, are to be carried out under the following basic principles:
 - a. Primary emphasis is to be placed on positive action by supervisors to prevent situations requiring disciplinary actions.
 - b. Employees are expected to adhere to high standards of conduct. When they violate the rules, regulations, or standards of conduct, they will be dealt with promptly and adequately, on a fair and equitable basis.
 - c. Disciplinary action should be consistent with the principle of like penalties for like offenses, with due consideration for the employee's past record and any other circumstances that, in the exercise of reasonable judgment, detract from or add to the seriousness of the offense.
4. The positive meaning of discipline.
 - a. Good group discipline is more than compliance with regulations and standards of conduct; it implies an understanding of why the rules are necessary and confidence that they will be enforced fairly. Good group discipline means cooperation among the members of the group, and between the leader and the group. It acts as a positive force on the members of the group leading to a high degree of self-discipline or control which is self-motivated rather than imposed by higher authority. The extent to which it exists in a group is an indicator of the quality of supervision.
 - b. Since it is an intangible quality, good group discipline is not easily measured by any yardstick. It can best be described by reference to those employee attitudes that characteristically accompany and foster its development. When the following factors are present, group discipline of a high order will prevail:
 - (1) An understanding of and interest in the organization's activities, including a clear understanding of how individual performance requirements fit into the overall work program.
 - (2) A sense of pride in the accomplishments of the group.
 - (3) Teamwork, or the willingness to contribute in ways that reflect credit on the group as a whole.
 - (4) Free communications upward and downward.
 - (5) Freedom to express opinions and suggestions, with the assurance that they will receive consideration.
 - (6) A reasonable sense of security in employment.
 - (7) Knowledge that each individual's contribution is regarded as significant and is fairly appraised on its merits.
 - (8) Confidence in the consideration, understanding, and integrity of supervisors.
 - c. The one essential ingredient for good group discipline is effective leadership starting from the top and working down. Positive supervisory practices pursued on a continuing day-to-day basis are needed to develop in employees an attitude toward their work that motivates them to observe correct habits of conduct. The constructive influence of a good example is as effective in this as in any other learning experience.
5. The purposes of disciplinary actions.

a. Individual disciplinary actions sometimes become necessary even in the best-managed groups. The way the supervisor deals with each case will have an effect, positively or negatively, on general group discipline. The procedures and general instructions in this part will furnish guidance to supervisors in carrying out their responsibilities for taking disciplinary action. They do not substitute for constant vigilance to prevent the occurrence of infractions, for careful judgment in the application of penalties, or for follow-up action to evaluate the effectiveness of the measures taken.

b. The purpose of disciplinary action is to prevent the recurrence of misconduct, to improve the employee's attitude and behavior, and to maintain discipline and morale among other employees. Every disciplinary action should be weighed with these objectives in mind. Where there is confidence that these purposes can be accomplished through counseling or verbal admonishment, formal disciplinary action should not be taken.

6. Responsibility for maintaining discipline.

a. Heads of Services and Staff Offices and Regional Administrators are responsible for the maintenance of discipline and adherence to the standards of conduct by officials and employees under their jurisdiction.

b. Immediate supervisors, in all instances, have the primary responsibility for acquainting employees with the standards of conduct, maintaining discipline and morale, and initiating appropriate corrective action when it becomes necessary. This is a daily responsibility of supervisors and not merely action taken at times when the employee may deviate from acceptable forms of conduct. Supervisors must thoroughly understand the purposes of disciplinary action and the methods for taking proper corrective action.

7. Authority to take disciplinary action.

a. Heads of Services and Staff Offices and Regional Administrators may designate the officials who are authorized to take disciplinary action. Designated officials must be in line of authority over the disciplined employee. In the absence of other designation or limitation, any supervisor may issue warning notices, any official at the level of branch chief or facility manager may issue official reprimands, and any official at the division director or higher level may propose and decide adverse actions (i.e. suspensions, furloughs without pay of 30 days or less, reductions in grade or pay, or removals).

b. Any notice of proposed adverse action or final letter of decision to take adverse action requires the prior concurrence of the servicing Human Resources Officer, regarding the appropriateness of the action under the regulations pertaining thereto.

c. Human Resource Officers are responsible for obtaining appropriate legal review, with the support and advise of the Office of General Counsel.

8. Non-disciplinary letters of instruction or counseling.

a. A letter of instruction or counseling is an informal notification from a supervisor calling an employee's attention to the need to improve in areas such as conduct, performance or attendance. For example, a supervisor might address a letter to an employee regarding the amount of sick leave or emergency annual leave used (which, though approved, appears excessive) or the need to pay closer attention to verbal instructions. Whether issued orally or in writing, such reminders are a regular part of daily supervision and are not considered penalty actions.

b. Copies of letters of instruction or counseling are maintained by the supervisor and are not filed in the employee's official personnel folder. Such letters may not be cited as previous disciplinary offenses for determining whether a second or third offense has occurred in determining a penalty. They may, however, have significance as supporting documents if formal discipline becomes necessary later--showing, for example, that an employee was fully aware of the nature of the misconduct.

9. Warning notices.

a. A warning notice is a letter calling an employee's attention to an infraction (ordinarily a first offense not too serious in nature) and warning the employee of the consequences of a repetition of misconduct. In addition, each warning notice will inform the employee that:

- (1) A copy of the warning notice will be placed in the employee's official personnel folder;
- (2) The employee may submit a written statement or explanation to be included the personnel folder;
- (3) The warning notice will be withdrawn from the personnel folder after 1 year; and

(4) The employee may use the GSA grievance procedure to contest the propriety of the action, or if issuance of the warning notice is subject to provisions of a labor-management contract, he or she may use the negotiated grievance procedure. It is the responsibility of the issuing office to ascertain which procedure is appropriate.

b. A warning notice will be withdrawn from the official personnel folder after a maximum of 1 year. At the discretion of the issuing officer, it may be withdrawn earlier. In determining whether a notice should be withdrawn in less than a year, the supervisor will consider the employee's conduct, performance, and general attitude toward the job subsequent to the issuance of the warning. The employee will be notified in writing when a warning notice is withdrawn in less than 1 year after the date of issuance. The knowledge that the notice may be withdrawn should provide the employee with a strong incentive to observe the rules of conduct. When a warning notice is withdrawn, the offense may not be cited as a previous offense to support a determination that a second or third offense has occurred in the event of future misconduct. It may, however, be used to demonstrate that the employee understood that the conduct involved was proscribed or has failed to respond to repeated counseling, in the same manner as a letter of counseling supports a formal "first offense" disciplinary action.

c. The suggested format to be followed in preparing a warning notice is shown in appendix 2. figure 1.

10. Official reprimands.

a. A reprimand is a formal notice of official censure for a serious violation of a rule of conduct, law, regulation, official instruction, or specified responsibility. It also may be given for repetition of an infraction for which the employee has previously been warned, or it may be given at the point where an accumulation of two or more different offenses call for more serious action than a warning. A copy of each reprimand is filed in the official personnel folder as a temporary record, and is withdrawn after a maximum of 3 years. At the discretion of the issuing officer, it may be withdrawn earlier, in which event, the employee should be notified in writing. When a reprimand is withdrawn,

the same considerations concerning use in future disciplinary action as are described for warning notices in par. 9b, above, apply.

b. The notice of reprimand will explain the reasons for issuance specifically and in detail, and will warn the employee of the serious consequences of future violations. In addition, each notice of reprimand will inform the employee that:

- (1) A copy of the official reprimand will be placed in the employee's official personnel folder;
- (2) The reprimand will be withdrawn from the personnel folder after 3 years;
- (3) The employee may submit a written statement or explanation to be included in the personnel folder at any time; and
- (4) The employee may use the GSA grievance procedure (or negotiated grievance procedure) to contest the propriety of the penalty.

c. Whenever it is believed that a reprimand will sufficiently impress upon an employee the seriousness of a violation and adequately serve as a corrective measure, it is to be preferred to suspension.

d. The suggested format to be followed in preparing an official reprimand is shown in appendix 2, figure 2.

11. Suspensions.

a. A suspension is the placement of an employee in a temporary non-duty, non-pay status for disciplinary reasons. It may be recommended as a penalty action for a serious first offense, for repetition of a less serious offense for which the employee has previously been given a lesser penalty, or when more than one offense has occurred each of which, standing alone, might not warrant a suspension.

b. The effectiveness of suspension as a penalty action should be carefully considered in each individual case. The loss of the employee's services for the time covered by the suspension is, to some extent, a penalty on the agency and on other employees who must assume the duties of the offender during his or her absence. Loss of pay for several days may mean serious hardship for the employee's family or may result in indebtedness that could have an adverse rather than a beneficial effect on the future conduct record of the individual. Since a suspension is usually a matter of common knowledge, it can be expected that in some instances an employee's ability to do an effective job may be impaired, depending on the demands of the position he holds. Therefore, this penalty should normally be imposed only after counseling or written warning notices or official reprimands have proven ineffective, or when the offense is so serious as to indicate that more stringent corrective action is necessary.

c. There are instances in which suspension is an appropriate penalty action. If the offense is of such a serious nature that removal is considered, but because of extenuating circumstances it is decided to retain the employee in the service, suspension may be the only penalty appropriate to reflect the degree of agency disapproval. Or, in instances in which it is believed that drastic action is necessary to secure adherence to required standards, a suspension may be effective where counseling, warnings, and reprimands have failed.

d. No suggested format is provided for notices of proposed suspensions or of decisions on suspensions. Servicing human resources offices should always be consulted before such notices are written.

12. Removals.

a. Removal is a drastic penalty that may be imposed only for repeated violations or offenses, or for one or more offenses involving serious misconduct or delinquency. Since removal on charges of misconduct can be expected to make it difficult or even impossible for the employee to continue his Government career in another agency, the step should be taken only after careful weighing of the evidence and a determination that such action is necessary to promote the efficiency of the service.

b. Supervisors should be mindful of two obligations. Their obligation to the Government demands that standards be upheld and that employees who deliberately violate the standards be removed. By law, action must not be arbitrary or unreasonable, and must in every case be adequately supported by a preponderance of the evidence.

c. On occasion, demotion to a lower grade position may be taken as a penalty action in lieu of removal or as an appropriate response to a given situation in its own right. For example, demotion from a supervisory to a non-supervisory position could be a reasonable penalty where the misconduct is related to supervisory duties but the record evidences that without those responsibilities the individual would be a productive employee. Whenever demotion is considered as a penalty action, the determination should be based on what is believed to be a reasonable expectation of attitude and conduct in the lower grade position. The nature of the misconduct and the type of individual concerned will affect the decision.

d. Frequently, employees prefer to resign rather than to face removal charges. This outcome is desirable from the standpoint of economy, and a resignation should be accepted under such circumstances. A resignation should never be obtained under duress or demanded as an alternative to some other action to be taken, but it is perfectly acceptable to present the employee with the hard choice of resignation or potential removal. If an employee resigns after receiving a removal proposal, Chapter 31 of the Office of Personnel Management (OPM) Guide to Processing Personnel Actions requires that the Standard Form 50, Notification of Personnel Action, show under "Remarks" that the employee resigned while action was pending to separate him, giving the reasons. The employee should be informed that the information regarding his misconduct has become a matter of permanent record. Note: resignations effected under a formal settlement of an appeal of disciplinary action may or may not include remarks as specified in the settlement agreement.

e. No suggested format is provided for notices of proposed removal or of decisions on removals. Servicing human resources offices should always be consulted before such notices are written.

13. General cautions.

a. Disciplinary actions are complex matters that should be undertaken only with the advice and assistance of the appropriate human resources office. Supervisors should seek human resources office advice at the first sign of conduct problems (or poor performance) before the problems have become severe. In most cases, if appropriate corrective steps are taken early, conduct and performance can be improved and formal action will be unnecessary.

b. Note that regional issuances may supplement the procedures of this section. In addition, labor agreements frequently specify detailed procedures governing disciplinary actions for bargaining unit employees that call for early human resources office advice.

14. Timing of the action.

- a. Supervisors should not store up criticisms but should discuss any perceived problems with employees as soon as such problems arise. When the circumstances call for disciplinary action, it should be taken promptly and deliberately. Delay in taking disciplinary action tends to diminish its effectiveness.
- b. The setting of maximum time limits for most actions is not practicable because of the many variables that can affect timing even with high priority attention.
- c. When a report of investigation is received from the Office of Inspector General, it should receive especially high priority attention. (See also par. 16, below.)
- d. See par. 17 below concerning violations involving information security.

15. Inquiry to determine the facts.

- a. In the instance of suspected irregularities involving fraud against the Government, wrongdoing that might be punishable as a criminal offense, or any type of misconduct as outlined in Appendix 1. Table 2 of the Penalty Guide supervisors should not initiate their own inquiries but must report the matter immediately to the office of Inspector General (OIG) or to the local Field Investigations office with a request for OIG investigation or authorization to proceed with administrative action. Should the Office of Inspector General determine that the irregularity does not warrant conducting an official investigation, the appropriate GSA official should conduct an inquiry as outlined in this section to determine the nature and extent of administrative action to be taken.
- b. Appendix 1. Table 1, lists offenses that will normally be the subject of inquiry and report by an appropriate supervisor. In any instance, however, if the offense is of a serious nature that may lead to removal and if facts cannot be adequately ascertained by the supervisor, a request may be made through channels for initial or supplemental investigation by the OIG.
- c. The following steps are recommended to guide the supervisor in conducting an inquiry to secure the facts needed to determine what disciplinary action, if any, is warranted:
 - (1) Interview the employee who has allegedly committed an offense.
 - (2) Interview witnesses and any others who can provide pertinent information.
 - (3) Try to reconcile any conflicting statements or other evidence. Re-interview the parties concerned if appropriate.
- d. If, in the supervisor's opinion, the facts revealed by the inquiry are serious enough to warrant official action involving concurrence at a higher level, the supervisor must prepare a written report. GSA Form 225, Record of Infraction, or a similar fact gathering record is recommended for this purpose.
- e. The instructions in pars. b and c above, regarding conducting and reporting an inquiry to determine the facts, do not apply to cases where sufficient evidence to provide a proper basis for disciplinary action is available from some other official source, such as a report of an investigation conducted by the OIG, a police or court record, or a finding by OPM that an employee has falsified his/her application for employment or other personal history record.

16. Acting on reports from the office of Inspector General and on positive drug test results from the Medical Review Officer (MRO).

Investigation reports from the OIG and positive drug test results from the MRO are sent to Regional Administrators and Heads of Services and Staff Offices. It is recommended that such reports be referred for action at a relatively high level (division director or above). Since these reports frequently involve sensitive issues subject to close scrutiny both within and outside of the agency, managers to whom they are referred should always consult with the human resources and legal officials before proceeding to prepare disciplinary proposals or take other action.

17. Security violations. All potential security violations must be reported immediately to the appropriate security manager who is responsible for conducting a preliminary inquiry and notifying the GSA Security Officer. Refer to chapter 8 of GSA Order ADM P 1025.2D Classified National Security Information for instructions concerning investigation of security

18. Penalty Guide.

- a. Appendix 1, Tables 1 and 2, list offenses together with the range of penalties for first, second, and third offenses. Penalties for offenses not listed should be determined by reference to the penalties listed for offenses of a similar type or of comparable seriousness. Offenses listed in Table 1 are normally investigated by line supervisors, while offenses listed in Table 2 must be referred to the OIG.
- b. In determining which penalty is most appropriate, within the range provided by the guide, a variety of considerations relevant to the circumstances of the individual case will be taken into account. Listed below are a number of factors that are generally recognized as relevant to penalty selection. Not all of these factors will be pertinent in every case. Some of the factors may weigh in the employee's favor, while others may not or may even constitute aggravating circumstances. Selection of an appropriate penalty involves a responsible balancing of the relevant factors in the individual case.
 - (1) The nature and seriousness of the offense, and its relation to the employee's position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated.
 - (2) The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public and prominence of the position.
 - (3) The employee's past disciplinary record.
 - (4) The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
 - (5) The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors'

confidence in the employee's ability to perform assigned duties.

- (6) The consistency of the penalty with those imposed upon other employees for the same or similar offenses.
- (7) The consistency of the penalty with the Penalty Guide.
- (8) The notoriety of the offense or its impact upon the reputation of the agency.
- (9) The clarity with which the employee was put on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question.
- (10) The potential for the employee's rehabilitation.
- (11) Any mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith. Malice or provocation on the part of others involved in the matter.
- (12) The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

c. Penalties will generally conform to the guide, since the range of penalties provides latitude for the exercise of judgment. In unusual circumstances, however, a greater or lesser penalty than that provided by the guide may be imposed to meet the purposes of disciplinary actions, except where the guide indicates that the penalty is specified by law. For example, the rules and case law governing "reasonable accommodation" might counsel reducing the penalty or foregoing discipline altogether while an employee pursues treatment for a handicapping condition that directly influenced the misconduct at issue.

d. In determining that a second or third offense has occurred, only disciplinary actions taken within the past 3 years may be considered. Earlier offenses, however, may demonstrate that the employee was fully aware of the nature of the misconduct and could support selection of a relatively high penalty within the range provided by the guide.

e. When the past record involves an offense or offenses unrelated to the current offense, or when two or more offenses are being considered for disciplinary action at the same time, a greater penalty than would be imposed for a first offense may be appropriate. In these cases, the severity of the penalty should take into account the total pattern of behavior. It should also be noted that the penalty guide does not require a progression through all possible disciplinary actions prior to removal.

f. Where appropriate, demotion may be used in place of removal.

19. Relationship between disciplinary actions and actions for unacceptable performance. Suspensions, demotions and removals or misconduct, are generally taken under the adverse action procedures in 5 CFR Part 752. Under the Civil Service Reform Act of 1978, however, alternate procedures were specifically established in 5 CFR Part 432 to lessen the burden of proof in cases based on unsatisfactory performance. Part 432 procedures can be used when an action is based solely on unacceptable performance in one or more critical elements. The adverse action procedures in 5 CFR Part 752 can also be used for performance related demotions or removals. But, since Part 752 actions require a greater degree of proof than Part 432 actions, they are generally used in performance cases only where poor performance is mixed with misconduct or other problems not clearly falling under the category of unacceptable performance in one or more critical elements. Supervisors should work particularly closely with their employee and labor relations staff when confronting situations involving both performance problems and misconduct.

20. Further considerations when processing disciplinary actions.

a. OPM has issued Government-wide regulations governing the processing of both Part 432 and Part 752 actions. Because the regulations are complex and detailed, specific agency-wide procedures for processing such actions are not necessary. (See the GSA order, Performance Management System (OAD 9430.2), for a general description of Part 432 procedures). It should be noted that the procedural requirements of the Competitive Service are not always applicable to Excepted Service or temporary employees. The Office of Human Resources and General Counsel must always be consulted when considering suspensions, demotions, or removals.

b. As noted in Par. 13b, above, in addition to OPM's regulations, regional issuances and labor agreements may detail procedures that are applicable to disciplinary actions that go beyond those specified in this directive.

GAIL T. LOVELACE
Chief People Officer

Appendix 1. Penalty Guides

Penalty Guide -- Table 1

Types of Delinquency or Misconduct	1st Offense	2nd Offense	3rd Offense
1. Reporting for duty or being on duty under the influence of intoxicants or drugs to such an extent as to render the employee unfit for duty. Also using or selling intoxicants (not controlled substances) on Government-owned or leased premises, or possessing intoxicants on Government property where such possession has been prohibited.			

has been promoted.			
a. Where safety of persons or property is not endangered thereby.	Warning notice to reprimand	Reprimand to removal	Removal
b. Where safety of persons or property is endangered thereby.	Suspension to removal	Removal	
2. Driving a Government vehicle (or privately owned car on official business) while under the influence of intoxicants or drugs.	Suspension to removal	Removal	
3. Use of illegal drugs by employees serving in positions designated for drug testing as confirmed by a positive test result or refusal to take drug test.	Warning to removal	Removal	
4. Recurring tardiness: Being late for work (up to 30 minutes) without adequate justification. A penalty action may be imposed whenever 3 unexcused periods of tardiness occur within 2 months or less.	Warning notice	Reprimand to suspension	Suspension to removal
5. Absence from duty for one day or less without permission and without adequate justification; failure to follow instructions for notifying supervisor or obtaining approval for absences. (includes tardiness of more than 30 minutes and leaving the job without permission).	Warning notice	Reprimand to suspension	Suspension to removal
6. Absence from duty for more than one day without permission and without adequate justification or failure to follow instructions for notifying supervisor and obtaining approval for absence. (When absence exceeds 10 calendar days without permission and without adequate justification, the penalty of removal may be imposed for the first offense.)	Warning notice to reprimand	Reprimand to removal	Removal
7. Misuse of sick leave such as working at another job without permission during any period of sick leave, or using sick leave for absences unrelated to illness or medical care (in which case the leave should be changed to AWOL in addition to appropriate discipline) or failure to follow instructions for notifying the supervisor or obtaining approval for absence	Warning notice to removal	Reprimand to removal	Removal

Types of Delinquency or Misconduct	1st Offense	2nd Offense	3rd Offense
8. Insubordination; deliberate refusal to comply with authorized instructions issued by a supervisor, disrespect, insolence, and like behavior	Reprimand to removal	Suspension to removal	Removal
9. Neglect of duty: Sleeping on duty, loafing, deliberate failure to be at work on task assigned, unreasonable delay or failure in carrying out instructions, conducting personal affairs on official time, or careless workmanship resulting in waste or delay.			
a. Where safety of persons or property is not endangered.	Warning notice to reprimand	Reprimand to suspension	Removal
b. Where safety of persons or property is endangered.	Reprimand to removal	Removal	
10. Disorderly conduct.			
a. Use of abusive or offensive language; quarreling; creating a disturbance which adversely affects production or morale.	Warning notice to suspension.	Reprimand to removal	Removal

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b. Fighting, threatening, attempting to inflict or inflicting bodily injury to another individual.	Reprimand to removal	Suspension to removal	Removal
11. Violation of regulations where safety of persons or property is endangered (other than 1 and 8 above).	Reprimand to removal	Suspension to removal	Removal
12. Indebtedness: failure to demonstrate conscientious effort to pay just financial obligations in a proper and timely manner, or to live up to arrangements agreed upon for payment. (Note: actions should be carefully evaluated for nexus to employment)	Warning notice	Reprimand	Reprimand to removal
13. Engaging in outside employment, business or professional activity without informing supervisor in writing and in advance.			
a. When no conflict of interest is involved	Warning notice	Reprimand	Reprimand to removal
b. When a conflict of interest is involved	Reprimand to removal	Removal	

Types of Delinquency or Misconduct	1st Offense	2nd Offense	3rd Offense
14. Unauthorized use of the Federal Telecommunications System or commercial or other official telecommunications facilities.	Warning notice	Reprimand	Reprimand to removal
15. Failure, through willfulness or with reckless disregard for the regulations, to observe any security regulation or order prescribed by competent authority. Investigations of security violations must be done initially by security managers in accordance with ADM P 1025.2C, ch-8			
a. Where the violation involved information classified Secret or above.	Reprimand to removal	Removal	
b. Where the violation involved information classified below Secret.	Reprimand to removal	Suspension to removal	Removal
16. Failure, through simple negligence or carelessness, to observe any security regulation or order prescribed by competent authority.	Reprimand to removal	Suspension to removal	Removal

1 Investigations of security violations must be done initially by security managers in accordance with ADM P 1025.2C, ch-8

Penalty Guide Table 2. Infractions that must be referred to the OIG

Type of Delinquency or Misconduct	1st Offense	2nd Offense	3rd Offense
1. Unauthorized use, removal, or possession of Government property, funds, services, supplies, or materials, including use or permitting the improper use of government charge cards, Accounting Control Transaction (ACT) numbers or other obligating forms or devices, or the property of other employees. (In arriving at the penalty, consideration should be given to the value of the property involved and whether voluntary restitution was made.	Suspension to removal	Removal	
2. Knowing and willful misstatement or omission of material facts from unlawful concealment	Reprimand to removal	Suspension to	Removal

of removal, alteration, mutilation, or destruction of any official document, contract files, or records.11 Contract throughout this penalty guide denotes all procurement actions which bind the Government , and includes purchase orders, leases and other contracted arrangements.		removal	
3. Conduct as described in 2 above which results in: Accepting incomplete services, supplies, or materials or misrepresentation of contract inspections, etc., and/or false certification for work not performed or supplies, services, or materials not received; preparing or issuing a contract for services, supplies, or materials which exceeds reasonable requirements; requesting and accepting services, supplies, or materials other than those contracted for; and preparing an inaccurate Government estimate resulting in the acceptance of a given bid/price proposal from a contractor thereby causing damage or financial loss.	Suspension to removal	Removal	
4. Knowing and willful misappropriation of Government funds or other funds that come into employee's possession by reason of his official position	Suspension to removal	Removal	
5. Knowing and willful misstatement of one or more claims (travel vouchers, imprest fund vouchers, time and attendance records, etc.): a. Claims for \$100 or less. b. Claims of more than \$100.	Reprimand to removal Suspension to removal	Removal Removal	
6. Partisan political activity in violation of the law.	Removal or other activity as directed by OPM		

Type of Delinquency or Misconduct	1st Offense	2nd Offense	3rd Offense
7. Knowing and willful use of public office for private gain.	Suspension to removal	Removal	
8. Misconduct whether or not in violation of a criminal statute, which impairs job performance or trustworthiness of the employee or otherwise affects the ability of a part of GSA to perform its mission.	Reprimand to removal	Suspension to removal	Removal
9. Willful use or authorizing use of Government-owned or leased passenger motor vehicles or aircraft for unofficial purposes.	30 day suspension to removal22 A 30 day suspension is the minimum penalty proscribed by statute (31 USC 1349 (b)). Where the element of willfulness is not clearly shown or when the vehicle is not a passenger vehicle, the same or lesser penalty may be imposed depending on the circumstances.	Removal	
10. Loss of or damage to Government property: a. Through carelessness or negligence or when property involved is of small value. b. Through maliciousness or intent,	Warning to suspension Reprimand to removal	Reprimand to suspension Suspension to removal	Suspension to removal Removal

or when property involved is of large value.			
11. Failure, through negligence, to account properly for Government funds.	Reprimand	Removal	
12. Negligent control of accounting Control Transaction (ACT) numbers, Government charge cards, and other obligating forms and devices.	Reprimand to suspension	Suspension to removal	Removal
13. Failure to report to the Office of the Inspector General: a. Apparent or suspected violations of law in connection with an operation of GSA. b. Apparent or suspected violation of an order, regulation, or directive in connection with an operation of GSA.	Reprimand to removal Warning notice to removal	Suspension to removal Reprimand to removal	Removal Removal
14. Refusal to provide information in connection with an authorized investigation, and to furnish a signed statement when required, except where such a refusal is based upon grounds of self-incrimination in potential criminal prosecution, or privileged communications.	Reprimand to removal	Suspension to Removal	Removal
15. Negligent or willful mismanagement of a contract, or failure to administer provisions thereof, whether or not it results in a loss to the Government.	Reprimand to removal with a minimum of suspension if the employee acted knowingly and willfully	Suspension to removal	Removal

Type of Delinquency or Misconduct	1st Offense	2nd Offense	3rd Offense
16. Negligent or willful failure to maintain contract files in a complete and correct manner in accordance with regulations and GSA requirements.	Reprimand to removal ³³ As in item # 15.	Suspension to removal	Removal
17. Knowing and willful failure to secure adequate and required competition for contracts in accordance with applicable regulations.	Suspension to removal	14 days suspension to removal	Removal
18. Awarding of more than one contract/purchase order with the intent of avoiding limitations on contracting authority or the requirements of applicable regulations.	Suspension to removal	14 days suspension to removal	Removal

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19. Negligently or willfully awarding contracts which exceed contracting authority.	Reprimand to removal ³⁴ Required by statute (5 USC 7351)	Suspension to removal	Removal
20. Negligent or willful: (1) Acceptance of incomplete services, supplies, or materials; or (2) Misrepresentation of contract inspections and certification for work not performed or services, supplies, or materials not received.	Reprimand to removal ³	Suspension to removal	Removal
21. Negligently or willfully preparing or issuing a contract for quantities which exceed reasonable requirements.	Reprimand to removal ³	Suspension to removal	Removal
22. Negligently preparing an inaccurate Government estimate resulting in the acceptance of a given bid/price proposal from a contractor that thereby causes loss to the Government.	Reprimand to suspension	Suspension to removal	Removal
23. Knowingly making false statements that are slanderous or defamatory about employees or officials.	Reprimand to removal	Removal	
24. Gambling, betting, or promotion thereof on Government-owned or leased property, or while on duty for GSA.	Reprimand to removal	Suspension to removal	Removal
25. Soliciting or making a contribution for a gift (as defined by 5CFR 2635.203) to an official superior, or acceptance of such a gift by an official superior.	Removal ⁴		
26. Lending money for profit on Government-owned or leased premises to any other person; borrowing money from a subordinate or securing a subordinate's endorsement on a loan.	Reprimand to removal	Removal	
27. Sale or possession of illegal drugs on Government-owned or leased premises or while on duty.	Suspension to removal	Removal	

Type of Delinquency or Misconduct	1st Offense	2nd Offense	3rd Offense
28. Unethical or improper use of official authority or credentials, or unauthorized disclosure or use of official information.	Reprimand to removal	Removal	
29. Improper solicitation or acceptance of gifts, loans, gratuities, favors, etc., from persons, firms, or corporations with whom employees have official relations.	Reprimand to removal	Removal	
30. Violating GSA regulations prohibiting the purchase of Government property, personal or real, being sold by GSA.	Reprimand to removal	Removal	
31. Negligent or willful discrimination, including harassment against any employee or applicant for employment based on race, color, religion, sex, age, national origin, physical or mental handicap, marital status, or lawful political affiliation.	Warning notice to removal	Reprimand to removal	Removal
32. Reprisal action against any person for proper exercise of the right to file a discrimination complaint or grievance, or for reporting an irregularity, real or suspected.	Warning notice to removal	Reprimand to removal	Removal
33. Negligent or willful violation of GSA regulations regarding financial interests or transactions that conflict with the performance of official duties.	Warning notice to reprimand	Reprimand to removal	Removal

1 Contract throughout this penalty guide denotes all procurement actions which bind the Government , and includes purchase orders, leases and other contracted arrangements.

Appendix 2. Sample Letters

Figure 1. Sample Warning Notice

(Because of variations on the subject matter, a form shall not be printed, reproduced, or stocked for this purpose.)

MEMORANDUM FOR:

FROM:

SUBJECT: Warning Notice (Personal - Official)

The purpose of this letter is to make an official written record of an instance of unsatisfactory conduct on your part and to warn you that future misconduct may result in more severe disciplinary action, including removal.

Instance of misconduct: (Enter a brief factual description of incident with specific details such as dates, persons, places, as necessary and appropriate so that the employee can readily understand the reason for the warning notice. Previous offenses for which disciplinary action was taken may be listed if they influenced the decision to issue a warning notice, as may a letter of instruction be cited to show that the employee was fully aware of the nature of the misconduct).

A copy of this warning notice will be placed in your official personnel folder and will be withdrawn after 1 year. It may be withdrawn earlier at my discretion, in which event, you will be notified in writing. You may submit a written statement or explanation for inclusion in your official personnel folder at any time. Also, you may protest the propriety of this penalty through (refer here to either the GSA grievance procedure or the negotiated grievance procedure, as appropriate) within calendar days. For further information about this procedure you may contact (name and location).

A warning notice is a serious penalty action. A future violation of acceptable standards of conduct could result in your removal from the Federal service. Nevertheless, you should note that this action is not a matter of permanent record. By good conduct in the future and attention to duty, you have the opportunity to attain a clear record.

Figure 2. Sample Official Reprimand

(Because of variations on the subject matter, a form shall not be printed, reproduced, or stocked for this purpose.)

MEMORANDUM FOR:

FROM:

SUBJECT: Official Reprimand (**Personal - Official**)

You are hereby officially reprimanded for the following reason: (Factual statement, including specific details such as dates, persons, places, as necessary and appropriate so that the employee can readily understand the reason for the reprimand. Previous offenses for which disciplinary action was taken may be listed if they influenced the decision to issue a reprimand, as may a letter of instruction be cited to show that the employee was fully aware of the nature of the misconduct.)

A copy of this reprimand will be placed in your official personnel folder and will be withdrawn after 3 years. It may be withdrawn earlier at my discretion, in which event, you will be notified in writing. You may submit a written statement or explanation for inclusion in your official personnel folder at any time. Also, you may protest the propriety of this penalty through (refer here to either the GSA grievance procedure or the negotiated grievance procedure, as appropriate) within calendar days. For further information about this procedure you may contact (name and location).

An official reprimand is a serious penalty action. A future violation of acceptable standards of conduct could result in your removal from the Federal service. Nevertheless, you should note that this action is not a matter of permanent record. By good conduct in the future and attention to duty, you have the opportunity to attain a clear record.